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To: Examiner Philip Robert Smith Art Unit: 3739	From: Thomas Spinelli, Esq. Registration No.: 39,533
Fax: 571-273-8300	Pages: 6 (including cover page)
Phone: 571-272-6874	Date: September 27, 2006
Re: Noriyuki Fujimori, et al. USSN: 10/807,080 Our Docket: 17552	CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Acknowledge

The following is being filed with the U.S. Patent and Trademark Office via facsimile on September 27, 2006:

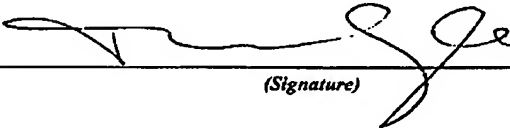
1. Response to Species Election
2. General Transmittal Letter in Dupl.
3. Certificate of Facsimile Transmission

Applicants: Noriyuki Fujimori, et al.
Serial No.: 10/807,080
For: CAPSULE ENDOSCOPE
Filed: March 23, 2004
Docket: 17552
Dated: September 27, 2006
TS:dg

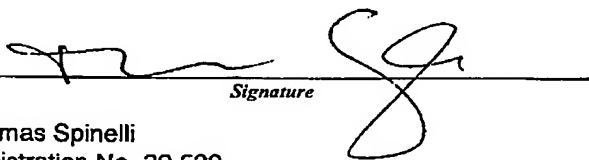
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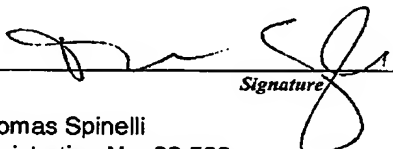
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CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)			Docket No. 17552
Applicant(s): Noriyuki Fujimori, et al.			
Application No. 10/807,080	Filing Date March 23, 2004	Examiner Philip Robert Smith	Group Art Unit 3739
Invention: CAPSULE ENDOSCOPE			
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I hereby certify that this <u> RESPONSE TO SPECIES ELECTION </u> <i>(Identify type of correspondence)</i>			
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<u>Thomas Spinelli</u> <i>(Typed or Printed Name of Person Signing Certificate)</i>			
 <i>(Signature)</i>			
Note: Each paper must have its own certificate of mailing.			

P18/REV02

TRANSMITTAL LETTER (General - Patent Pending)				Docket No. 17552	
In Re Application Of: Noriyuki Fujimori, et al.					
Application No. 10/807,080	Filing Date March 23, 2004	Examiner Philip Robert Smith	Customer No. 23389	Group Art Unit 3739	Confirmation No. 3849
Title: CAPSULE ENDOSCOPE					
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COMMISSIONER FOR PATENTS:					
Transmitted herewith is: RESPONSE TO SPECIES ELECTION					
in the above identified application.					
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<input type="checkbox"/> A check in the amount of _____ is attached.					
<input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. 19-1013/SSMP as described below.					
<input type="checkbox"/> Charge the amount of _____					
<input checked="" type="checkbox"/> Credit any overpayment.					
<input checked="" type="checkbox"/> Charge any additional fee required.					
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.					
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 _____ <i>Signature</i>			Dated: September 27, 2006		
Thomas Spinelli Registration No. 39,533 Scully, Scott, Murphy & Presser, P.C. 400 Garden City Plaza, Suite 300 Garden City, New York 11530 516-742-4343			<div style="border: 1px solid black; padding: 2px;">I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____</div> <div style="border: 1px solid black; padding: 2px;">(Date)</div> <div style="border: 1px solid black; padding: 2px;">_____ <i>Signature of Person Mailing Correspondence</i></div> <div style="border: 1px solid black; padding: 2px;">_____ <i>Typed or Printed Name of Person Mailing Correspondence</i></div>		
TS:dg					
cc:					

P16A/REV04

TRANSMITTAL LETTER (General - Patent Pending)				Docket No. 17552	
In Re Application Of: Noriyuki Fujimori, et al.					
Application No. 10/807,080	Filing Date March 23, 2004	Examiner Philip Robert Smith	Customer No. 23389	Group Art Unit 3739	Confirmation No. 3849
Title: CAPSULE ENDOSCOPE					
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<input type="checkbox"/> A check in the amount of _____ is attached.					
<input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. 19-1013/SSMP as described below.					
<input type="checkbox"/> Charge the amount of _____					
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<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.					
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
 _____ Signature			Dated: September 27, 2006		
Thomas Spinelli Registration No. 39,533 Scully, Scott, Murphy & Presser, P.C. 400 Garden City Plaza, Suite 300 Garden City, New York 11530 516-742-4343			<div style="border: 1px solid black; padding: 5px;"><p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____</p><p style="text-align: center;">(Date)</p><p style="text-align: center;">_____ Signature of Person Mailing Correspondence</p><p style="text-align: center;">_____ Typed or Printed Name of Person Mailing Correspondence</p></div>		
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P16A/REV04

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Noriyuki Fujimori, et al. **Examiner:** Philip Robert Smith
Serial No: 10/807,080 **Art Unit:** 3739
Filed: March 23, 2004 **Docket:** 17552
For: CAPSULE ENDOSCOPE **Dated:** September 27, 2006
Confirmation No.: 3849

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO SPECIES ELECTION

Sir:

Pursuant to the election requirement imposed in the Official Action dated August 31, 2006, Applicants elect the claims of Species [01b], i.e., Claims 4-6 for continued prosecution herein along with generics Claim 1 and 2.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to facsimile number 571-273-8300 at the U.S. Patent and Trademark Office on the date shown below.

Dated: September 27, 2006


Thomas Spinelli

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Claims 1-6 are present in the above-captioned application and have been subjected to a species election under 35 U.S.C. § 121. Specifically, the Official Action avers that the following patentably distinct species of the claimed invention are present in the claims:

Species [01a], characterized by Figure 1; and

Species [01b], characterized by Figure 3.

It is the Examiner's position that the species listed as Species [01a] and [01b] are patentably distinct from each other.

In response to the Examiner's requirement for species election, Applicants elect to prosecute the subject matter of Species [01b], Figure 3, readable on claims 4-6, along with generic claims 1 and 2. However, Applicants reserve the right under 35 U.S.C. § 121 to file one or more divisional applications directed to the non-elected subject matter in this application.

In view of the foregoing, an examination on the merits of the elected claims, at an early date, is earnestly solicited.

Respectfully submitted,



Thomas Spinelli
Registration No.: 39,533

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